

# TRANSMITTAL FORM AND FEE TRANSMITTAL

Attorney Docket No.:	RD 001-1	First Named Inventor (a):	Reed
Application No.:	10/734,868	Filing Date:	12/12/2003
Inventor:	Marsh, Steven M.	Group Art Unit:	3632

(a) Where an inventor is not named, alphanumeric identifier provided in lieu thereof.

## This Transmittal Sheet is accompanied by

Petition under 37 CFR 1.137(a), Reply to the Office Action mailed February 24, 2006, check for \$375.00, and an Acknowledgement Postcard

## Fee Calculations -- Applicant is a small entity

### Excess claim fees

	No. in Specifica- tion or after Amendment	No. Included in Filing Fee or Pre- viously Paid For	No. Extra (b)	Applicable Fee	Fee Paid
Total Claims	25	- 20 =	5	x 50/25 (ea)	125.00
Independent Claims	6	- 6 =		x 200/100 (ea)	
Subtotal Extra claim fees					(\$)

### Additional fees

	Fee Paid
Extension for Reply (1, 2, 3, 4 months: \$120/60, 450/225, 1020/510, 1590/795)	
Notice of Appeal (500/250)	
Petition to Commissioner under 37 CFR 1.137(a)	250.00
Information Disclosure Statement (\$180)	
Subtotal Additional fees	\$ 375.00

### Total Fees

Total Fees Submitted	\$ 375.00
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A check for \$375.00 is attached

## Authorization to Charge Deposit Account for Additional Fees

The Assistant Commissioner for Patents is hereby authorized to charge any additional fees required under 37 CFR §§ 1.16 and 1.17, and credit any overpayments to, the following deposit account.

Deposit Account No: 19-2090

Deposit Account Name: Sheldon & Mak

This sheet is transmitted in duplicate if a fee is due.

## EXPRESS MAIL CERTIFICATION UNDER 37

### CFR 1.10

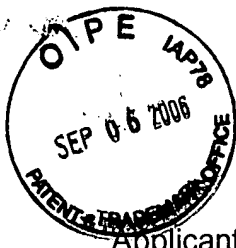
I hereby certify that this paper is being deposited with the "Express Mail Post Office to Addressee" service of the United States Postal Service on the date indicated below and is addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
Express Mail mailing label No. EQ 73338322 US Date of Deposit  
September 5, 2006  
Typed name of person signing this certificate: T. H. P. Richardson  
Signature

Respectfully Submitted

Name T. H. P. Richardson  
Tel. No. 650-854-6304  
Fax No. 650-854-2384  
Address 1055 Trinity Drive  
Menlo Park  
CA 94025

09-07-06

DAC-  
TFW



Docket No. RD 001-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Reed et al

Group Art Unit: 3632

Serial No.: 10/734,868

Examiner: Marsh, Steven M.

5 Filing Date: 12/12/2003

Title: Pedestal

Mail Stop Petition, Commissioner for Patents

P.O. Box 1450, Alexandria, VA 22313-1450

10

PETITION UNDER 37 CFR 1.137(a)

Sir,

On September 2, 2006, Applicant received the Notice of Abandonment mailed 08/30/2006, stating that this application is abandoned in view of "Applicant's failure to  
15 timely file a proper reply to the Office letter mailed on 24 February, 2006".

This paper is a petition under 37 CFR 1.137(a) to revive the abandoned application because the delay in reply was unavoidable. The "Office letter mailed on February 24, 2006" was not received by Applicant's representative, undersigned, to  
20 whom all correspondence concerning this application is addressed. The undersigned can offer no explanation for the non-receipt of the Office letter. Other correspondence was correctly delivered in the time period when the Office letter would have been expected to be received.

25 The Petition fee is attached.

09/08/2006 TBESHAH1 00000003 10734868

FC:243E  
FC:2202

250.00 OP  
125.00 OP

Both the MPEP and 37 CFR 1.137 note that a petition to revive an abandoned application under 37 CFR 1.137(a) must be accompanied by "the reply required to the outstanding Office action or notice, unless previously filed", apparently making the  
30 assumption that the Office action or notice is in the possession of the Applicant. In the

**EXPRESS MAIL CERTIFICATION UNDER 37 CFR 1.10**

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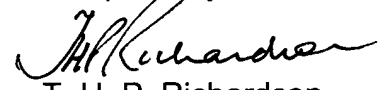
Express Mail mailing label No. EQ 733383222 US Date of Deposit September 5, 2006

Typed name of person signing this certificate: T. H. P. Richardson Signature

present case, as noted above, Applicant has not received the Office Action mailed February 24, 2006. However, since the Office Action is available on the PTO PAIR website, Applicant is in a position to file a reply to the Office Action. Therefore, a reply is attached. If some further or different action is now needed, please advise the undersigned..

The due date for the reply to the undelivered Office Action was May 24, 2006. The Notice of Abandonment mailed August 30, 2006, was received September 2, 2006. It is believed to be clear, therefore, that the entire delay in filing the required reply from the due date for the reply until the filing of this grantable petition was unavoidable.

Respectfully submitted,



T. H. P. Richardson

Registration No.28,805

Tel No. 650 854 6304